PENNSYLVANIA	PUBLIC	UTILIT	OMMISSION
Uniform Co	ver and	i Calendar	Sheet

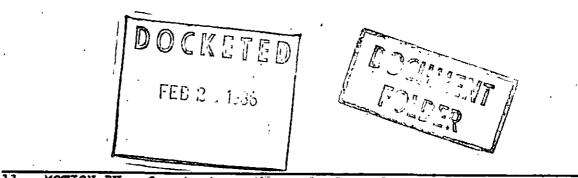
1.	REPORT DATE:	: 2.	BUREAU AGENDA NO.		
•	January 13, 1986	:			
3.	BUREAU:	:	FEB-86-T-145*		
	Transportation	:			
4.	SECTION(S):	: 5.	PUBLIC MEETING DATE:		
	Technical Review	<u> </u>	· .		
6.	APPROVED BY:	:	February 6, 1986		
	·	:			
	Director: Ernst 7-2154	:			
	Supervisor: Marzolf 3-5945	:			
7.	MONITOR:	:			
		:			
8,	PERSON IN CHARGE:	:			
	Tim Zeigler 3-5946	:	,		
9.	DOCKET NO:	:	•		
	A-00065936, F. 3, Am-A	:			
10.	(a) CAPTION (abbreviate if more than 4 lines)				

(b) Short summary of history & facts, documents & briefs. (c) Recommendation

(a) Application of Norman M. Earhart, t/d/b/a Earhart Trucking, New Alexandria, Westmoreland County, for temporary authority to transport coal for North Cambria Fuel Company, Inc., from its mines and tipples in the counties of Cambria, Jefferson, Indiana and Clearfield, to other points in the said counties.

(b) The applications for temporary authority and permanent authority are now opposed by five certificated carriers. We find no evidence in the record which indicates an immediate need for the proposed service which warrants a grant of temporary authority over the objection of the five currently certificated carriers.

(c) The Bureau of Transportation recommends the Commission adopt the proposed tentative decision denying temporary authority.



11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Fischl - Yes Commissioner SECONDED: Commissioner Shane Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

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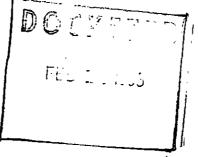
COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA PUBLIC UTILITY COMMISSION P. O. BOX 3265, HARRISBURG, Pa. 17120 February 13, 1986

> IN REPLY PLEASE REFER TO OUR FILE

A-00065936 F. 3, Am-A

To All Parties

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Application of Norman M. Earhart, t/d/b/a Earhart Trucking, for temporary authority.

To Whom It May Concern:

This is to advise you that a Tentative Decision has been adopted by the Commission in public meeting held February 6, 1986.

A Copy of a Tentative Decision has been enclosed for your records.

> ry truly <u>x</u>ours, Secretary ch.

lg Encls. Cert. Mail

cc:applicant R.D. #1 New Alexandria, Pa. 15670

Similar letter to: See attached list.

PENNSYLVANIA PUBLIC UTILITY COMMISSION Harrisburg, PA 17120

Public Meeting held February 6, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman Frank Fischl Bill Shane

Application of Norman M. Earhart, t/d/b/a A-00065936 Earhart Trucking, for temporary authority F. 3 to transport coal for North Cambria Fuel, Am-A Inc., from its mines and tipples in the counties of Cambria, Jefferson, Indiana and Clearfield, to other points in said counties. R.D. 1 New Alexandria, PA 15670 Arthur J. Diskin for Earhart Trucking.

TENTATIVE DECISION

BY THE COMMISSION:

This matter comes before the Commission on an application for temporary authority filed November 4, 1985. On the same date, an application for corresponding permanent authority was filed. Public notice of both the temporary authority application and the permanent authority application was given in the Pennsylvania Bulletin of November 30, 1985. Protests to the applications were filed by Thomas H. Loughry, Wayne W. Sell Corporation, Ritchey Trucking, Inc., C. L. Feather, Inc., and Bulk Transportation Services, Inc.

By our order adopted December 5, 1985, we denied the application for emergency temporary authority seeking the right here involved. In our decision on emergency temporary authority, we stated that the applicant had failed to establish an immediate need for the service which warranted a grant of emergency temporary authority. Our review of the Commission's operating authorities file indicated that there are currently authorized common carriers available to perform all or a portion of the required service. The record before us in the temporary authority proceeding strengthens this argument as we now have five protests of record. It is our determination that the facts in this proceeding have not materially changed to indicate an immediate need for the service. We do not find the applicant has made a case which would warrant a grant of temporary authority over the objection of five currently certificated carriers; THEREFORE,

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IT IS ORDERED: That the application for temporary authority be and is hereby denied.

IT IS FURTHER ORDERED: That unless exceptions are filed within twenty (20) days of the date the order is entered, the order shall become final.

BY THE COMMISSION, Secretary

(SEAL)

ORDER ADOPTED: February 6, 1986 ORDER ENTERED: FEB 1 3 1986

2 3 SENDER: Complete items 1, 2, 3 and 4. SENDER: Complete items 1, 2, 3 and 4. Form Form Put your address in the "RETURN TO" space on the Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from reverse side: Failure to do this will prevent this card from being returned to you. The return receipt fee will provide 3811, being returned to you. The return receipt fee will provide 3811, July you the name of the person delivered to and the date of delivery. For additional fees the following services are you the name of the person delivered to and the date of delivery. For additional fees the following services are , July available. Consult postmaster for fees and check box(es) available. Consult postmaster for fees and check box(es) for service(s) requested. A -65936, F.3, Angfor service(s) requested. A -65936 F3, Ann -1983 1983 1. D Show to whom, date and address of delivery. 1. 🔲 Show to whom, date and address of delivery. 2. 🛛 Restricted Delivery. 447-848 2. C Restricted Delivery. 447-845 ader 3. Article Addressed to: 3. Article Addressed to: . 4. Type of Service: Article Number 4. Type of Service: Article Number 44659 D'Insured Registered Certified Insured Certified COD 🖸 44660 Express Mail Express Mail Always obtain signature of addressee or agent and DATE DELIVERED. Always obtain signature of addressee or agent and DATE DELIVERED. 5. Signature - Addresse 5. Signature - Addressee DOMESTIC DOMESTIC Х Х 6. Signature - Agent 6. Signature Agent An Х F 12 Х w RETURN 7. Date of Delivery RETURN 7. Date of Delivery 8Ç \bigcirc 0 8. Addressee's Address (ONLY if requested and fee paid) 8. Addressee's Address (ONLY if requested and fee paid) RECEI RECEIPT -----1

3 SENDER: Complete items 1, 2, 3 and 4. 63 SUNDER: Complete items 1, 2, 3 and 4. Form Put your address in the "RETURN TO" space on the Form 3811, July 1983 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide 3811, July 1983 being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of you the name of the person delivered to and the date of delivery. For additional fees the following services are evailable. Consult postmaster for fees and check box(es) delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for.service(s) requested. for service(s) requested. A -65-936F.3, Arn. A-65936-F.3, Am Show to whom, date and address of delivery. 1. Show to whom, date and address of delivery. 447-846 2. 🔲 Restricted Delivery. 447-848 2. D Restricted Delivery. isde 02004 Article Addressed to: З. 3. Article Addressed to: w ٩ 4. Type of Service: Article Number 4. Type of Service: Article Numbe Registered Insured COD D Registered 44661 Certified 44658 Express Mail Certified Express Mail Always obtain signature of addressee or agent and DATE DELIVERED. Always obtain signature of addressee or agent and DATE DELIVERED. 5. Signature - Addressee DOMESTIC RETURN RECFIRT 5. Signature ~ Addressed DON X Х 6 jąature – Agent **IESTIC** 6. Signature - Ageni х a ŝ 11 X 7. Date of Dett RETURN 7. Date of Delivery ËВ 19 后日 18 1985 198r 8. Addressee's Address (ONLY if requested and fee paid) 8. Addressee's Address (ONLY if requested and fee paid) RECEIPT

Norman M. Earhart, t/a Earhart Trucking R. D. #1 New Alexandria, PA 15670 SELF

Arthur J. diskin, Esquire 402 Law & Finance Building Pittsburgh, PA 15219 APPLICANT

Kent Pope, Esquire Ten Grant Street Clarion, PA 16214 THOMAS H. LOUGHRY

William J. Lavelle, Esquire 2310 Grant Building Pittsburgh, PA 15219 BULK TRANSPORTATION SERVICES

Thomas Mulroy, Esquire Suite 700 312 Boulevard of the Allies Pittsburgh, PA 15222 WAYNE W. SELL CORP. ET AL.